

VZCZCXRO3229  
OO RUEHCHI RUEHCN RUEHDT RUEHHM  
DE RUEHJA #1968 2981020  
ZNR UUUUU ZZH  
O 241020Z OCT 08  
FM AMEMBASSY JAKARTA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0406  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY  
RUEHG/USMISSION GENEVA PRIORITY 7834  
RUEHBY/AMEMBASSY CANBERRA 3197  
RUEHLM/AMEMBASSY COLOMBO 1391  
RUEHKA/AMEMBASSY DHAKA 1365  
RUEHNE/AMEMBASSY NEW DELHI 2351  
RUEHKO/AMEMBASSY TOKYO 2641  
RUEHWL/AMEMBASSY WELLINGTON 3191  
RUEHHK/AMCONSUL HONG KONG 3046  
RUEHPT/AMCONSUL PERTH 1220  
RHMFIUU/BUMED WASHINGTON DC  
RHHJJPI/USPACOM HONOLULU HI  
RHHJJPI/PACOM IDHS HONOLULU HI  
RUENAAA/SECNAV WASHDC  
RUEKJCS/SECDEF WASHDC  
RUEAWJB/DEPT OF JUSTICE WASHDC  
RULSAAV/NAVMEDRSCHCEN SILVER SPRING MD  
RHEHN/NSC WASHDC  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHINGTON DC

UNCLAS JAKARTA 001968

SENSITIVE  
SIPDIS

DEPT FOR P, EAP, EAP/MTS, EAP/MLS, EAP/RSP, G/AIAG,  
OES/IHA, L, L/DL FOR DICKERSON  
USAID FOR ANE/CLEMENTS AND GH/CARROLL  
DEPT PASS TO HHS/WSTEIGER/ABHAT/MSTLOUIS AND HHS/NIH  
DEPT PASS TO USDA/FAS/OSTA BRANT, ROSENBLUM  
DOJ FOR OFL/HOLLIS  
DOJ FOR OFL/HERRUP  
GENEVA FOR WHO/HOHMAN  
NSC FOR E.PHU  
SECDEF FOR USDP/ISA/APSA D.WALTON

E.O. 12958: N/A  
TAGS: PGOV TBIO KFLU KLIG ID  
SUBJECT: AVIAN INFLUENZA LAWSUIT AGAINST USG: FURTHER  
DELAY IN COURT HEARING

REF: JAKARTA 1768 AND PREVIOUS

¶1. (U) This message is Sensitive but Unclassified. Please handle accordingly.

¶2. (SBU) Legal proceedings were originally scheduled to begin in the Central Jakarta District Court on September 17 in the avian-influenza lawsuit against the USG and the World Health Organization (refs). On advice by the Foreign Affairs Department (DEPLU), neither the USG nor its agent appeared at the September 17 proceedings. Because the plaintiff did not attend the proceedings, the hearing was canceled until October 10 and then postponed again until October 17.

¶3. (SBU) On October 17, DCM spoke with Arif Havas Oegroseno, Director of DEPLU's Office of Political, Legal and Regional Treaties. Oegroseno said the court was divided on how to proceed in the lawsuit. Some judges believed the case should be dismissed without a hearing on the basis of the plaintiff's lack of interest as well as sovereign immunity grounds. Others, who were not yet persuaded by a sovereign immunity argument, said the suit should not be dismissed without a hearing. The internal debate led the court to further postpone a decision regarding the proceedings until perhaps mid-December.

¶4. (SBU) Oegroseno, who has been helpful throughout this process, recommended to the DCM that the USG not press for action from the court and await the mid-December decision.

